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Attorneys for Federal Defendant

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

RANDY CHAPEL,  
 Plaintiff,

CASE NO. CV 11-04344 PSG

STIPULATION AND ~~PROPOSED~~  
 ORDER RE DEFENDANT'S MOTION  
 TO DISMISS AND THE CMC

UNITED STATES DEPARTMENT  
 OF EDUCATION,  
 Defendant.

Plaintiff and defendant, through its counsel, hereby stipulate to extend the hearing on defendant's motion to dismiss to December 6, 2011, at 10:00 a.m. Plaintiff's opposition shall be due November 14, 2011, and defendant's reply shall be due November 21, 2011. The purpose of this extension is to provide plaintiff additional time to review documents that defendant has produced and has agreed to produce and to provide both parties with additional time to complete the ongoing meet and confer process.

So as to avoid multiple court appearances, the parties further stipulate to continue the Case Management Conference to December 6, 2011, to be held, if necessary, immediately following the hearing on defendant's motion to dismiss. The parties' CMC Statements shall be due on November 29, 2011.

1 Dated: October 19, 2011

2 Respectfully submitted,

3 MELINDA HAAG  
4 United States Attorney

5 By: /S/  
6 JAMES A. SCHARF  
7 Assistant United States Attorney  
8 Attorney for Federal Defendant

9 By: /S/  
10 RANDY CHAPEL  
11 Plaintiff

12 Pursuant to the parties' stipulation, and good cause appearing, it is hereby ordered:

13 1. The hearing on defendant's motion to dismiss is continued to December 6, 2011, at  
14 10:00 a.m. Plaintiff's opposition shall be due November 14, 2011, and defendant's reply shall be  
15 due November 21, 2011.

16 2. The Case Management Conference is continued to December 6, 2011, to be held, if  
17 necessary, immediately following the hearing on defendant's motion to dismiss. The parties'  
18 CMC Statements shall be due on November 29, 2011.

19 Dated: October 21 2011

20 Paul S. Grewal  
21 Hon. Paul Grewal  
22 United States Magistrate Judge  
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